IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 11528 of 2004

Between:
Mahinder, S/o.Late Jairam D.Karakasia, R/o.H.No.L-5/7, Laxmi Ramana, Bangur Nagar, Goregaon West, Mumbai, rep. by his General power of attorney holder Sri Mohanlal Yadav, S/o. Sri Narayanlal Yadav, R/o. 14, Bacherlors
Quarter, Near Mozam Zahi Market, Hyderabad

..... PETITIONER

AND

1 The Chief Commissioner of Land Administration, Government of A.P., Hyderabad.
2 The Collector, Ranga Reddy District
3 The Mandal Revenue Officer, Shamshabad Mandal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant an order, direction or writ, more so in the nature of writ of mandamus, declaring the inaction of the respondents in protecting the property namely 4 acres 14 guntas of land in Survey Nos.29 and 72 of Lingojiguda Village, Saroornagar Mandal, Ranga reddy District, of encroachments of third persons on the representation given by the sanad holder vide representation dated 10-3-2004 as violative of the provisions of the Dis-placed persons (Compensation and Rehabilitation) Act, 1954, apart from arbitrary, illegal and violative of Article 14 of constitution of India and consequently direct the respondents to remove the encroachments over the property namely 4 acres 14 guntas of land in Survey Nos.29 and 72 of Lingojiguda Village, Saroornagar Mandal, Ranga reddy District.

For the Petitioner: MR. R. RAGHUNANDAN, Advocate

For the Respondents: GP FOR REVENUE

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the leaned Government Pleader for Revenue and with their consent the writ petition itself is taken up for final disposal at the admission stage.

In this writ petition the petitioner, in effect, seeks a direction to the respondents to remove the encroachments over the property allotted to his grand father under Sanad, dated 12-3-1956, issued by the Regional Settlement Commissioner, Mumbai.

The petitioner alleges that the Government of India, Ministry of Rehabilitation, Regional Settlement Commissioner, through proceedings, dated 28-04-1954, issued allotment order in respect of land bearing Nos.29 and 72 situated at Lingojiguda village, Hyderabad East, Saroornagar Mandal, Ranga Reddy District, to an extent of Ac.04-14 guntas and consequently the Regional Settlement Commissioner, Mumbai through proceedings, dated 12-03-1956 issued a Sanad by transferring the property in favour of the grand father of the petitioner viz. Dhanji Valji. In spite of the aforesaid orders, the possession of the said property has not been delivered to the predecessors of the petitioner or to the petitioner so far. The petitioner states that various third parties are encroaching the said land and raising constructions therein. He made a representation dated 13-02-2004 to the first respondent and another representation, dated 10-3-2004 to the Secretary to Chief Commissioner of Land Administration, Andhra Pradesh, Hyderabad to protect the land from encroachments. But no steps have been taken so far in the matter. Assailing the impugned action of the respondents, the present writ petition is filed.

Having regard to the facts and circumstances of the case and in view of the fact that the representation submitted by the petitioner dated 13-2-2004 is pending consideration with the first respondent, I deem it appropriate to direct the first respondent to take necessary action on the representation dated 13-2-2004 submitted by the petitioner as expeditiously as possible.

With the above direction, the writ petition is disposed. No costs.

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N.V. RAMANA, J

Date: 08-07-2004

Note:
Issue copy by tomorrow
(Bo)
Svv

To
1 The Chief Commissioner of Land Administration,
Government of A.P., Hyderabad.
2 The Collector, Ranga Reddy District
3 The Mandal Revenue Officer, Shamshabad Mandal.
4 Two CCs. to Government Pleader for Revenue, High Court Buildings,
A.P., Hyderabad (OUT)
5 Two CD copies